UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1484
17 September 2002

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-ninth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1484th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 10 August 2001, at 3 p.m.

Chairman: Mr. SHERIFIS

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Thirteenth to sixteenth periodic reports of Egypt

* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1484/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.01-44119 (E) 110902 170902

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Thirteenth to sixteenth periodic reports of Egypt (CERD/C/384/Add.3; HRI/CORE/1/Add.19)

1. At the invitation of the Chairman, the members of the Egyptian delegation took places at the Committee table.

2. Ms. ABOULNAGA (Egypt), noting that her country had acceded to the Convention on the Elimination of Racial Discrimination more than 30 years earlier, reaffirmed Egypt's commitment to protecting human rights and fundamental freedoms. Like all the other international instruments that had been ratified, the Convention had become part of domestic law after being published in the Official Gazette. The Egyptian Constitution, which was the most important instrument for ensuring the protection of human rights, guaranteed the right to equality and non-discrimination (arts. 8 and 40). Moreover, the Supreme Constitutional Court had taken several decisions stipulating that, under the rule of law, a State could not violate human rights and fundamental freedoms.

3. She stressed that the State of Egypt had taken action to publicize and draw the attention of public opinion to the principles of human rights and fundamental freedoms through seminars and conferences organized in cooperation with non-governmental organizations (NGOs) and civil society. Those principles were also taught in primary and secondary schools, at universities and in police academies.

4. She briefly introduced the various parts of Egypt's periodic report under consideration. With regard to the implementation of article 2 of the Convention, the most important national mechanisms established to monitor the implementation of international human rights instruments were: the Higher Council for Mothers and Children; the National Council for Women; the Department for Human Rights Affairs in the Ministry of Foreign Affairs; the Office for Human Rights Affairs in the Department of Public Prosecutions; and the Directorate-General for Human Rights Affairs in the Office of the Minister of Justice. It was also planned to set up an international council for human rights as a specialized body to deal with international standards and the relevant United Nations resolutions. Concerning article 3 of the Convention, she stressed that Egypt had long promoted a policy that rejected racist ideas and principles and had taken part in the international community's efforts to eliminate all forms of racial discrimination, notably by contributing to the drafting of the African Charter of Human and People's Rights. The report presented the legislative provisions and judicial decisions which prohibited and punished racial discrimination pursuant to article 4 and guaranteed the rights set out in article 5 of the Convention. The statistics provided showed how committed Egypt was to the enjoyment of economic, social and cultural rights.

5. She reaffirmed Egypt's support for the Committee's efforts to promote human rights, ensure respect for the principle of equality and prevent racial discrimination around the world.

In particular, she welcomed the Committee's contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and she promised to pursue a constructive dialogue with the members of the Committee.

6. Mr. KHALIL (Egypt) said that the Committee's work was highly regarded in Egypt and its conclusions were closely studied. Every effort was made to implement, as much as possible, the Committee's recommendations in legislative provisions and the judicial system.

7. The right to equality before the law and non-discrimination was considered by the Supreme Constitutional Court to be the highest right. In two decisions in 1995, the Court had, in accordance with the definition of racial discrimination contained in article 1 of the Convention, found that there were other forms of discrimination in addition to those referred to in article 40 of the Constitution. All the obligations stemming from the implementation of the Convention had been incorporated into Egyptian legislation, which punished all acts of racial discrimination. In practice, the Egyptian authorities took account of all obligations contracted under international human rights instruments. The national monitoring mechanisms which had been set up had reinforced the actions taken to prevent racial discrimination. The purpose of human rights education was to create a culture of peace and tolerance.

8. Mr. DIACONU (Country Rapporteur) welcomed the resumption of the dialogue with the State party after a seven-year interruption and expressed the hope that the dialogue would be more regular in the future. He thanked the Egyptian delegation for the additional information provided in the oral introduction to the report, which offered a wealth of legal as well as economic, political, social and other information. It was in compliance with the Committee's guidelines regarding the form and content of reports and answered all questions raised by members of the Committee during the consideration of State party's previous periodic report. Egypt's role in Africa and in the Arab world, particularly in promoting human rights and fundamental freedoms, and notably equality of rights and non-discrimination, had led the members of the Committee to give closer attention to the implementation of the Convention by the State party, although the country did not seem to have serious problems of racial discrimination.

9. He noted that the groups and ethnic minorities referred to in paragraph 334, 335 and 362 to 364 of the report had a different language and culture, which they had inherited from their ancestors and which might be the cause of discrimination or inequality. Were Berbers mentioned when speaking of desert areas? He also referred to other groups, such as Greeks and Armenians, who had Egyptian nationality, but preserved their ethnic origin and culture. He would have liked to find data on those groups in the report, particularly on their economic and social situation, their access to public life and their relations with the majority population. He observed that no legislation or planned measure aimed to prevent or eliminate discrimination or protect the language and culture of all those groups, for example by guaranteeing mother-tongue or bilingual education. It was unfortunate that the report had nothing to say about the situation of foreigners in Egypt. Were there any permanent residents or refugees? How many were there? What countries did they come from? Were there still Palestinians and Sudanese? Could the Egyptian delegation provide more information on the above population groups, in particular on their numbers and how they were treated, especially in respect of access to employment, health care and education, and the preservation of their culture?

10. With regard to the legal framework for ensuring the implementation of the Convention, he said that the definition of racial discrimination in the Convention had been adopted more or less in full in the binding decisions of the Supreme Constitutional Court. The role played by the Court in the country's judicial system, especially in protecting equality of rights and preventing and eliminating discrimination, was very positive. The Convention took precedence over laws and regulations adopted in Egypt and its provisions could be directly invoked before all public courts, which were bound to apply them. He asked the Egyptian delegation to report briefly on the procedure followed in such cases. Was it up to the party to the proceedings or the court to apply to the Supreme Constitutional Court? Was that automatic or was it for the court to decide? Were proceedings suspended pending the decision of the Supreme Court?

11. As to the implementation of article 4, he noted that Egyptian legislation focused on the prohibition of associations which advocated the violation of the personal liberty or public rights and freedoms of citizens (para. 97) or whose principles were based on discrimination on grounds of origin or belief. The Press Act also required journalists to refrain from endorsing racist propaganda which derided religions or sought to promote discrimination against, or contempt for, any social communities (para. 100). That was satisfactory, but posed two problems: that provision of the Press Act seemed to apply only to journalists and it could be inferred that journalists could very well disseminate such propaganda as long as they did not endorse it. Thus, it would appear that the provisions of article 4 (a) of the Convention, pursuant to which States parties must "declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin" were not entirely covered by the country's legislation. He also noted that the Penal Code made defamation punishable (para. 140), as well as acts and threats of violence, but envisaged neither the case in which such acts might be ethnically or racially motivated nor aggravating circumstances. The State party should therefore review its legislation in the light of the provisions of article 4 of the Convention.

12. In respect of the implementation of article 5 of the Convention, he said that the report dwelled at length on the efforts made to ensure the development of the country in all areas for the benefit of citizens. On the other hand, it rarely referred to problems posed by discrimination. Further information would be useful on the access of members of small ethnic groups to public life, employment, health care and education, including in their mother tongues, as well as on the situation in all areas of foreigners living in Egypt as permanent or temporary residents. Could the delegation also indicate whether Egypt was party to International Labour Organization Convention No. 111 concerning Discrimination in respect of Employment and Occupation?

13. It was important not to underestimate disputes that might arise for economic reasons between groups of different race, ethnicity or religion. Such conflicts, which at first were often of an economic nature, could often take a racial or religious turn and become very dangerous. According to Egyptian and other NGOs, such economic and religious conflicts had occurred in 1997 between Coptic Christian and militant Islamic groups in upper Egypt, as a result of which a church had been destroyed and Coptic Christians killed.

14. He had taken note of the important decisions of the Supreme Constitutional Court aimed at ensuring equality of the rights of children subject to a custody measure, whether they were Muslim or non-Muslim (para. 171), allowing an Egyptian man married to a foreign woman to be appointed as a member of the Council of State and amending the provisions of the Personal Status Statute of the Copts and the Greek and Armenian Orthodox with regard to the age of child custody (para. 173). But other problems had yet to be solved. A number of United Nations treaty bodies, in particular the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights, had expressed concern that children born to an Egyptian woman and a foreign man could not acquire the nationality of their mother. The Committee on the Rights of the Child had also noted that children born to an Egyptian woman married to a foreign man faced difficulties in the area of education and did not have access to the same schools as children whose father was Egyptian. He asked the delegation to indicate how many children were in that situation and whether it was a political, demographic or religious problem. The question gave cause for concern because children should not be victims of discrimination on account of the nationality of their father or mother. What measures did the Government plan to take to remedy that state of affairs? Could not the Supreme Court deal with the problem by deciding in a binding decision that those provisions were unconstitutional?

15. He was also pleased that everyone, including foreigners, had equal access to the courts to assert their rights and that the Council of State and its courts could consider appeals of administrative decisions, including requests for compensation for damages. How many cases had been submitted to the Council of State or its courts for discrimination on grounds of ethnic or racial origin?

16. As to the implementation of article 7 of the Convention, he welcomed the efforts made to provide human rights education at primary and preparatory schools and at university (para. 57), to offer training to all categories of personnel working in the administration of criminal justice (para. 67) and to create a human rights culture at an early age. It would, however, be interesting to know to what extent schoolbooks and history books reflected, in a spirit of tolerance and respect, the history of small communities that lived in Egypt and of neighbouring peoples.

17. He also regarded as encouraging the Government's intention to establish a National Council on Human Rights following the example of the National Council on Women and the National Council on Mothers and Children (para. 360), a measure to which the Government must give concrete expression as soon as possible in order to have an important tool for promoting human rights. To what extent did the Government and government services cooperate with NGOs in implementing the Convention and promoting human rights in general?

18. Mr. VALENCIA RODRIGUEZ said that the periodic report of Egypt provided interesting information in response to the concerns expressed by the Committee during the consideration of the previous report.

19. He referred to the assertion that "Egypt does not have any main ethnic minorities" (para. 334), but that nomads, Berbers and Nubians also lived in the territory of the State party and that "there are no non-Arabic linguistic or dialectal enclaves, with the exception of the oasis of Siwa, which, in addition to Arabic, also has a local dialect which has formed the subject of

numerous academic studies and surveys". If the delegation could indicate the results of those surveys, it would enable the Committee to make sure that the Convention was also applied to the minority groups concerned.

20. He noted that the provisions of the Convention were an integral part of Egyptian legislation; thus, victims of discriminatory acts could invoke it before the courts and request compensation. Could the Supreme Constitutional Court declare unconstitutional any provision of a law which was not in conformity with the Convention?

21. The reform of the Penal Code enabled Egypt to comply with the requirements of article 4 of the Convention with regard to terrorist activities of a discriminatory nature. He asked the delegation to provide the Committee with further details on cases relating to persons who had been tried and punished for terrorist acts in conformity with the Penal Code and other legislation.

22. As to the implementation of article 5 of the Convention, he was pleased that "all Egyptian legislation applies to all Egyptians, without any discrimination on any ground whatsoever [...] in keeping with the constitutionally recognized principle of equality before the law" (para. 108), but asked the delegation to comment on specific cases of the application of that principle.

23. In respect of the right to marry, he noted that the Constitutional Court had ruled to be unconstitutional an article of Act No. 47 on the Council of State, pursuant to which no Egyptian man married to a foreign woman could be appointed to the Council of State. Did that decision also protect the right of an Egyptian woman married to a foreign man to become a member of the Council of State?

24. He was also pleased that Egypt had drawn up a national development strategy until 2017 in order, inter alia, to increase the average per capita share of GDP to $4,100 by that date and to create some 550,000 employment opportunities per year in order to absorb the increasing population (para. 202). He hoped that that ambitious objective could be achieved without any discrimination on the basis of race, ethnic origin or other motives and that the Committee could be informed of the results of those efforts.

25. Taking note of the efforts made by the Egyptian Government to set up a system of social security protecting the most vulnerable social groups, he asked how successful it had been for seasonal workers in agriculture and fishing, transport workers, self-employed craftsmen and small farm owners.

26. With regard to the right to education, how was the principle according to which "all boys and girls of school age are enrolled for compulsory education" (para. 301) applied to children of nomadic, Berber and Nubian communities?

27. He also noted that, in Egyptian law, anyone who was the victim of discrimination could institute criminal proceedings and claim compensation. He wondered whether compensation was awarded by the criminal court or whether separate civil proceedings must be instituted.

According to paragraph 365 of the periodic report, the Code of Civil Procedure permitted the establishment of courts of summary jurisdiction and conciliation councils; were those bodies empowered to hear complaints lodged for racial discrimination and, if so, to award compensation or an indemnity to the victims?

28. Mr. de GOUTTES said that, generally speaking, Egypt's main problem was not that of racial discrimination. Instead, human rights problems in that country primarily involved the activities of extremist groups and conflicts between religious groups, notably Muslims and Copts, in response to which the State had sometimes been forced to restrict fundamental freedoms and guarantees.

29. With regard to racial and ethnic questions, the periodic report asserted that "Egypt does not have any main ethnic minorities" (para. 334) and that "there is full homogeneity among all the groups and communities of which the Egyptian population consists since they all speak the same language, Arabic, which is the country's official language, and Arab culture predominates". That was all the more surprising in that the report referred to the presence of nomads, Berbers and Nubians (para. 362) in Egyptian territory. Moreover, other minority groups also lived in the country, particularly Greek and Armenian communities, as well as foreigners, such as Palestinians and Sudanese. It would be useful to have statistical data on the numbers of nomads, Berbers, Nubians and foreigners living in Egypt, as well as socio-economic indicators for identifying the most underprivileged and excluded groups.

30. In respect of the rank of international instruments in the hierarchy of the State party's legislation, he asked why those instruments did not take precedence over domestic law, but were simply equivalent to it (para. 19). It also seemed that most of the principles embodied in international human rights instruments had been incorporated into the Constitution and thus had constitutional status. Was that how the organization of legal rules in Egypt should be understood?

31. On the whole, Egyptian legislation appeared to comply with the requirements of article 4 of the Constitution, as shown by article 57 of the Egyptian Constitution, which made it an offence to violate any of the rights and freedoms which it protected, as well as article 86 bis of the Penal Code, pursuant to which it was a criminal offence for organizations, groups, associations or their members to advocate the violation of the fundamental rights protected by the Constitution, and article 20 of the 1996 Press Act, which stipulated that it was a punishable offence to advocate racist propaganda and disseminate racist ideas. It would be useful, however, if the delegation could say whether acts of violence and provocations were the subject of a particular punishment and whether aggravating circumstances were foreseen for racially motivated offences. The Committee would also like to have examples of convictions and legal statistics on the number of proceedings instituted and complaints lodged, as well as on sentences and compensation. Also, how many rulings had been handed down against terrorist groups of extremists which had committed acts that violated the rights of others (para. 107)?

32. The report also referred to a number of projects or questions under consideration which were of particular interest to the Committee. Could the delegation indicate what progress had been made on plans to establish a National Council for Human Rights (para. 86) and to ratify the amendment to article 8 of the Convention, as well as on the study of the declaration under article 14 of the Convention?

33. Mr. TANG noted with satisfaction that Egypt had made considerable efforts to fulfil its obligations under the Convention and that the tenor of the report showed that the State party had taken account of its dialogue with the Committee during the consideration of its previous report. With regard to implementation of article 3 of the Convention, he would like to have more information on the rights of refugees in general and of Palestinian refugees in particular, especially those who lived in Cairo, as well as on policy in that area. He would also like the State party to provide examples of judgements in cases concerning a violation of article 4 (b) and (c) of the Convention. Were non-Muslims free to worship and had the Government taken measures to help ensure that they could?

34. Ms. JANUARY-BARDILL said that the information contained in the report covered human rights in general and was not specific enough on problems of racial discrimination. She suggested that, as one of the activities of the specialized research and study centres (para. 66), the Government should undertake studies in areas in which racial discrimination manifested itself in society. She asked the delegation to indicate to what extent schools and training facilities could help promote the provisions of the Convention. In general, Egypt had all the infrastructure needed to ensure the effective implementation of the Convention, but she would like to have more information on how that infrastructure operated, as well as on manifestations in society of problems of a racial or ethnic nature.

35. Mr. BOSSUYT said he agreed with several other members of the Committee that some parts of the report under consideration were not relevant to the Convention. More specifically, he noted that data on the ethnic composition of the Egyptian population were missing and that the Committee was thus unable to assess the situation properly. Information was also lacking on the state of emergency in force in the country for many years, resulting in restrictions on many fundamental freedoms. Why was it still in force? There was a contradiction in the report, which, on the one hand, indicated that the "Egyptian legislature has never violated the principle of equality before the law" (para. 14) and, on the other hand, stated that the Supreme Constitutional Court had found that there had been violations of that principle. He would also like to have more information on the composition and functioning of the Supreme Constitutional Court and he asked the delegation to explain what was meant in paragraph 171 of the report.

36. Mr. THORNBERRY said that he too agreed with other members of the Committee that many elements of the report did not directly relate to the implementation of the Convention; the information which it provided was imprecise. He asked what specific measures the Government had taken to implement its policy of "rejecting" all principles based on discrimination (para. 88). He would also like to know more specifically which foreigners had been granted the right of political asylum in Egypt (paras. 92 and 93). What was meant by "illegal party" and "social order" in paragraph 99? In view of what was said in paragraph 155 of the report, could a minority group form its own political party? He sought clarification on how allowance was made for the cultural differences of non-Muslim religious communities (para. 173). The

assertion in the report that there were no main ethnic groups in Egypt (para. 362) seemed to ignore the indigenous peoples included in that category. The fact that those peoples spoke the same language did not mean that they were part of the same ethnic group, cultural identity being a complex concept that was not confined to language. The State party should be more precise about concepts of language and dialect because a language recognized as such acquired greater legitimacy. Also, the activities of NGOs did not seem to be hampered, but relatively little mention was made of them in the report.

37. Mr. PILLAI noted with appreciation the role of the judiciary in protecting and promoting human rights and particularly in preventing and punishing acts of racial discrimination. He referred to a series of mechanisms introduced to give effect to the principles embodied in international instruments. In that connection, he requested more information about the planned National Council on Human Rights (para. 360) and on its functions and powers. He was pleased that the State party attached importance to training and increasing awareness of respect for human rights among law enforcement officers. Had police officers received training in that area? What had been the impact? It would also be interesting to hear the details of complaints filed against law enforcement officials. Could the delegation also clarify the content of paragraph 106 of the report and indicate what stage had been reached on the study concerning the possibility of Egypt's making the declaration under article 14 of the Convention?

38. Ms. ABOULNAGA (Egypt) thanked the members of the Committee for the quality of their analysis and their comments, which would help her country in implementing the Convention, in particular with regard to the situation of women and Palestinian and Sudanese refugees.

39. The CHAIRMAN announced that the Egyptian delegation would reply to the questions and comments of the members of the Committee at the following meeting.

The public part of the meeting rose at 5.10 p.m.